Debra P. Hackett Clerk, U.S. District Court 15 LÉE ST STE 206 MONTGOMERY AL 36104-4055

November 16, 2007

**Appeal Number: 07-14652-A**Case Style: Sterling Ray McCrary v. Alabama Court of Criminal District Court Number: 07-00725 CV-W-N

TO: Debra P. Hackett

CC: Sterling Ray McCrary

CC: Administrative File

CC: Administrative File

## **United States Court of Appeals**

Eleventh Circuit 56 Forsyth Street, N.W. Atlanta, Georgia 30303

Thomas K. Kahn Clerk For rules and forms visit www.call.uscourts.gov

November 16, 2007

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Appeal Number: 07-14652-A

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District Court Number: 07-00725 CV-W-N

The enclosed certified copy of this Court's order dismissing the appeal for lack of jurisdiction is issued as the mandate of this court. <u>See</u> 11th Cir. R. 40-4 and 11th Cir. R. 41-4.

The district court clerk is requested to acknowledge receipt on the copy of this letter enclosed to the clerk.

Sincerely,

THOMAS K. KAHN, Clerk

Reply To: Deborah Owens (404) 335-6180

Encl.

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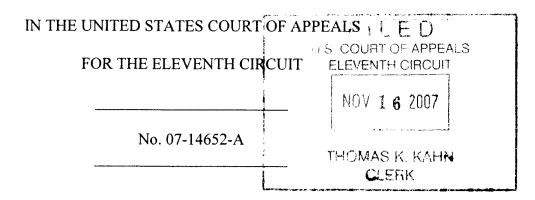
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Encl.



STERLING RAY MCCRARY,

Plaintiff-Appellant,

versus

ALABAMA COURT OF CRIMINAL APPEALS, SUPREME COURT OF ALABAMA,

Appeal from the United States District Court for the

Northern District of Alabama

Before: TJOFLAT, BIRCH, and BLACK, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED, <u>sua sponte</u>, for lack of jurisdiction. The October 1, 2007, notice of appeal is untimely to contest the district court's August 29, 2007, order dismissing McCrary's complaint pursuant to 28 U.S.C. § 1915A(b)(1). <u>See Fed.R.App.P. 4(a)(1)(A); Rinaldo v. Corbett</u>, 256 F.3d 1276, 1278 (11th Cir. 2001).

No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir.R. 40-4 and all other applicable rules.

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